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09/513,914

02/25/2000

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,914

Applicant(s)

DANTU ET AL.

Examiner

Derrick W. Ferris

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2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-8, 10-19, 21, 22, 24-30, 44-46, 48-49 is/are allowed.
- 6) ☒ Claim(s) 31, 33-39, 41-43, 50, 52-60, 62-67, 69-72, and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-5,7,8,10-19,21,22,24-31,33-39,41-46,48-50,52-60,62-67,69-72 and 76.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/2004 has been entered.

Response to Amendment

2. Claims 1-5, 7-8, 10-19, 21, 22, 24-31, 33-39, 41-46, 48-50, 52-60, 62-67, 69-72, and 76 as amended are still in consideration for this application. Applicant has amended claims 12, 5, 7, 8, 15, 21, 22, 28-31, 34-39, 44-46, 47-50, 52, 53, 60, 64, 66, 69, 71, and 76. Applicant has canceled no claims.

3. Examiner **withdraws** the obviousness rejection to *Mikkonen*; and *Mikkonen* in view of *Ahmed* and *Hamdi* and in further view of *Schoen*; *Mikkonen* in view of *Ahmed* and *Hamdi*; *Mikkonen* in view of *Ahmed*; *Mikkonen* in view of *Ahmed* and *Hamdi* and in further view of *Schoen*; and *Mikkonen* in view of *Ahmed* and *Hamdi* and in further view of *Perkins*. The rejections are withdrawn given applicant's claim amendments/remarks. In addition, the examiner has further addressed applicant's concerns in the revised rejections found below. Also note the allowable claimed subject matter based on applicant's amendments/remarks.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 31, 33, 34-38, 50 and 52-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,300 to *Ahmed et al.* (“*Ahmed*”) in view of U.S. Patent No. 6,587,457 to *Mikkonen* in further view of U.S. Patent No. 6,496,649 B1 to *Menon et al.* (“*Menon*”).

As to **claim 31**, *Ahmed* teaches communication between two wireless routers where one of the wireless routers is an anchor base station, see e.g., column 5, lines 22-45 of *Ahmed*. In particular, *Ahmed* teaches the concept of generating tunnels between nodes or wireless routers, see e.g., column 18, line 63 – column 20, line 62.

It may not be clear from *Ahmed* that there are two separate tunnels where one tunnel is configured for the transmission wireless traffic and one tunnel is configured for wireline traffic. Instead *Ahmed* teaches that tunneling is used in soft handoffs, see e.g., column 20, lines 17-20. The examiner proposes to modify the reference to clarify that tunnels are MPLS virtual paths and that there are two separate tunnels, one for wireline traffic and another for wireless traffic as is known in the art. *Mikkonen* teaches that it is known in the art to transport MPLS as tunnels as shown e.g., in figure 6 and column 3, lines 1-44. *Mikkonen* also teaches that the routers generate the MPLS virtual paths. *Menon* teaches using two separate tunnels, one for wireline traffic and another for wireless traffic, as shown in figure 8c of *Menon*, see e.g., column 21, line 52 – column 22, line 18. Thus examiner notes that it would have been obvious to one skilled in the art prior to applicant’s invention to further include the limitations “a first wireless virtual path configured for a call between the first and second wireless routers for the

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transmission of wireline protocol traffic and a second wireless virtual path configured for the call between the first and second routers for transmission of wireless protocol traffic”.

Examiner also notes that it would have been obvious to one skilled in the art to further include the limitation “the first and second wireless virtual paths each comprising a multi-protocol label switched path”. Examiner notes that one skilled in the art would have been motivated to make the proposed modification of using MPLS virtual paths as tunnels for the purpose of transporting packets. In particular, *Mikkonen* teaches the above motivation e.g., at column 3, lines 1-44. Examiner also notes that one skilled in the art would have been motivated to make the proposed modification for using separate tunnels for wireless and wireline traffic to further distinguish the different types of traffic between routers. Specifically, *Menon* illustrates the motivation found in figure 8c. Examiner also notes a reasonable expectation of success since an anchor base station is also taught for the references.

As to **claim 33**, see figure 4b of *Mikkonen*.

As to **claim 34**, *Ahmed* teaches at least a soft handover at e.g., column 20, lines 18-21.

As to **claims 35-36**, see column 7, lines 65-67 and column 8, lines 1-4 of *Mikkonen* where the mobile IP router provides policy management and admission control and where QoS is used for allocating bandwidth and reserving resources as is known in the art.

As to **claim 37**, see *Mikkonen* column 8, line 1.

As to **claim 38**, see the combined rejections for claims 35-37.

As to **claim 50**, see similar reasoning for the rejection for claim 31. Note that communication with a wireline network is further taught by *Menon*, see e.g., figure 8c.

As to **claims 52-53**, examiner notes the selection of an anchor base station using a broad but reasonable interpretation of a forwarding table and trigger rule as is known in the art (e.g., see figure 3b block 30 of *Ahmed*).

As to **claims 54-56**, examiner notes that it would have been obvious to a skilled artisan prior to applicant's invention to use certain selection criteria for a handoff which includes pattern matching, error correction bits, and frame sequence number (FSN) of the signal. As support, *Ahmed* discloses selecting some "quality metric" for each packet received [column 20, lines 9-10] where such a "quality metric" is pattern matching, error correction bits, or frame sequence numbers as is known in the art.

As to **claims 57-58**, *Ahmed* teaches a broad but reasonable interpretation of an active list and a candidate list in the selection of an anchor base station (i.e., each wireless router is equipped with a handoff manager capable of collecting relevant information from neighboring wireless routers) [column 19, lines 21-36].

As to **claim 59**, *Mikkonen* discloses an RF front end as is known in the art.

6. **Claims 39, 41-43, 60, 62-63, 64-67, 69-72, and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,300 to *Ahmed et al.* ("*Ahmed*") in view of U.S. Patent No. 6,587,457 to *Mikkonen* in further view of U.S. Patent No. 6,496,649 B1 to *Menon et al.* ("*Menon*").

As to **claim 39**, see similar rejection to claim 31.

As to **claim 41**, see figure 6.

As to **claim 42**, examiner notes a synchronization bias for synchronous transmission is taught using the anchor base station as is known in the art [column 20, lines 2-15]. In particular, packets are transmitted in duplicate (i.e., multicast) with synchronization bias as is known in the art for the purpose or motivation of selecting or combining packets as taught by the reference.

As to **claim 43**, examiner note that the anchor base station acts as a primary router for the call as is known in the art.

As to **claim 60**, in addition to the reasoning for claim 39, examiner notes the active set of routers includes an anchor base station (i.e., the primary router) and a set of directed nodes (i.e., secondary wireless routers). *Ahmed* teaches in general that mobiles communicate with the network node also assist in handoff decisions by providing signal strength information from neighboring nodes [column 19, lines 24-26]. Thus a communication is received from a mobile device identifying an active set of routers.

As to **claim 62**, see figure 4 of *Mikkonen*.

As to **claim 63**, both references disclose GSM radio frames.

As to **claim 64**, see similar rejection with respect to claim 60.

As to **claim 65**, see e.g., see figure 4b of *Mikkonen*.

As to **claims 66-67**, *Ahmed* discloses a selector in selecting an anchor base station for a soft handoff [column 20, lines 2-15].

As to **claims 69-72**, examiner notes a synchronization bias for synchronous transmission is taught using the anchor base station as is known in the art [column 20, lines 2-15]. In particular, packets are transmitted in duplicate (i.e., multicast) with

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synchronization bias as is known in the art for the purpose or motivation of selecting or combining packets as taught by the reference.

As to **claim 76**, see similar rejection for claim 60.

Allowable Subject Matter

7. **Claims 1-5, 7-8, 10-19, 21, 22, 24-30, 44-46, 48-49** are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

10/28/09